**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 861 of 2006(M/B)**

Dr. A.K. Kamboj S/o Sri Dharam Pal Singh,
Director, Uttaranchal Ayurvedic Medical College,
Dehradun. …… Petitioners.

**Versus**

1. State of Uttaranchal,
through Secretary (Home),
Civil Secretariat, Uttaranchal,
Dehradun.
2. Station House Officer,
Police Station Rajpur,
District Dehradun.
3. Rajesh Naithani,
Tax Officer (Land),
Nagar Nigam, Dehradun. …… Respondents.

Mr. Ramji Srivastava, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 &2.

**JUDGMENT**

**Coram: Hon'ble Rajeev Gupta, C.J.**
**Hon'ble Prafulla C. Pant, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Mr. Ramji Srivastava, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 &2.

They are heard on admission.

2. Petitioner Dr. A.K. Kambmoj has filed this writ petition for the following reliefs:

> "i. issue a writ, order or direction in the nature of Certiorari, calling for the records and quashing the first information report dt. 15.7.2006 (Annexure No.3 to this writ petition), lodged by the respondent no. 3, on the basis of which, a case crime no. 42 of 2006 under section 447, 431 and 427 I.P.C. was registered at Police Station Rajpur, District Dehradun.
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> ii. pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

iii. award the cost of writ petition to the petitioner.”

3. The petitioner is apprehending his arrest for his alleged involvement in Crime No. 42 of 2006 registered at Police Station Rajpur, District Dehradun for the alleged commission of the offences punishable under Sections 427, 431 and 447 of the I.P.C.

4. According to the First Information Report lodged by respondent No.3. Rajesh Naithani, Tax Officer (Land), Nagar Nigam, Dehradun, the petitioner has not only encroached over the land belonging to the Nagar Nigam, Dehradun, but was also raising unauthorized construction on the said land.

5. On due consideration of the submissions of the learned counsel for the parties and the contents of the First Information Report, we are of the opinion that it is not a fit case for grant of the reliefs sought by the petitioner in the writ petition. We are refraining from commenting on the merit of the case lest it may adversely affect the petitioner’s cast at the trial, which the petitioner is yet to face.

6. The writ petitioner, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

7. Consequently, CLMA No. 9109 of 2006 stands dismissed.

**(Prafulla C. Pant, J.)** 21.07.2006

**(Rajeev Gupta, C.J.)** 21.07.2006

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